

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
05-33 (JNE/JGL)

UNITED STATES OF AMERICA)

Plaintiff,

v.

JOSE ANGEL VASQUEZ-CARDONA,

Defendant.

)
)
)
)
)
)
)
)
)
)

ORDER OF DETENTION

This matter came before the Court on February 17, 2005, for hearing on the motion of the United States for an Order of Detention. The defendant was present and represented by his attorney, Scott Tilsen. The United States was represented by Assistant United States Attorney Tracy Thompson Braun.

Defendant Jose Angel Vasquez-Cardona has been indicted for the crime of illegal re-entry after deportation in violation of 8 U.S.C. § 11326(a) and 1326(b)(2) and 6 U.S.C. § 202(3) and 202(4) and 557.

During the hearing, the defendant notified the Court that he did not oppose the government's motion for an Order for Detention.

DISCUSSION

Under 18 U.S.C. § 3142, pretrial detention may be ordered upon a clear and convincing showing that release will result in a danger to the community. United States v. Sazenski, 806 F.2d 846, 848 (8th Cir. 1986). In addition, detention may also be ordered where a preponderance of the evidence shows that defendant presents a risk of

flight. See 18 U.S.C. § 3142. The Court finds that detention is justified under both of these criteria.

First, the government presented clear and convincing evidence that defendant is a danger to the community. Defendant has a criminal history which involves a crime of violence.

It has also been proven that the defendant presents a risk of flight. The defendant does not have substantial ties to this community. He has been previously deported from the United States to Mexico. He faces a considerable amount of imprisonment if convicted.

CONCLUSION

Based upon the evidence presented, the Court concludes that the government has made a clear and convincing showing that no condition or combination of conditions of bond will reasonably ensure the safety of the community and the defendant's appearance in court. Accordingly,

IT IS HEREBY ORDERED that:

1. The motion of the United States for detention of defendant is granted;
2. Defendant is committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences of being held in custody pending trial;
3. Defendant shall be afforded reasonable opportunity to consult privately with his lawyer; and

4. Upon Order of the Court or request by the United States Attorney, the person in charge of the corrections facility in which the defendant is confined shall deliver him to the United States Marshal for the purpose of appearance in connection with a court proceeding.

Dated: March 7, 2005

s/Arthur J. Boylan

for J. Earl Cudd

United States Magistrate Judge